

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 1:20-MJ-235
)	
BRYSON MCNEAL MILLER,)	
)	
Defendant.)	<u>UNDER SEAL</u>
_____)	

AFFIDAVIT IN SUPPORT OF
CRIMINAL COMPLAINT AND ARREST WARRANT

I, Matthew Tigran Riser, a Special Agent with the Federal Bureau of Investigation being duly sworn, depose and state as follows:

INTRODUCTION

1. I have been employed as a Special Agent (“SA”) of the Federal Bureau of Investigation (“FBI”) since May 2016, and am currently assigned to FBI Washington Field Office Child Exploitation and Human Trafficking Taskforce. I am thus a “federal law enforcement officer” within the meaning of Fed. R. Crim. P. 41(a)(2)(C). While employed by the FBI, I have investigated federal criminal violations, as well as national security investigations related to high technology or cybercrime, child exploitation, and child pornography. I have gained experience through training at various cyber and technology related seminars, courses and everyday work relating to conducting these types of investigations. I have received training in the area of child pornography and child exploitation, and have had the opportunity to observe and review numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media including computer media. I have also received some training in digital media exploitation and review

through the course of my duties, as well as basis training provided by certified FBI Computer Analysis Response Team (CART) examiners. Prior to my onboarding as an FBI Special Agent, I served in the FBI as an Intelligence Analyst in the New York Field Office where I worked on organized crime investigations; prior to working in New York, I worked as a Staff Operations Specialist at FBI Headquarters where I worked on terrorism financing investigations. These experiences have given me a wide array of understanding of many sorts of criminal violations, some of which have included violations pertaining to the cyber arena.

2. This Affidavit is submitted pursuant to Fed. R. Crim. P. 4 in support of a criminal complaint charging Bryson McNeal MILLER with receipt of child pornography, in violation of 18 U.S.C. § 2252(a)(2). I respectfully submit that the information contained in this affidavit demonstrates probable cause to believe that MILLER has committed that offense, and therefore respectfully request that the Court issue the attached complaint and warrant for MILLER's arrest.

3. The statements contained in this affidavit are based in part upon my own personal observations, and in part on information provided to me by other law enforcement officers; written reports and verbal discussions about this and other investigations that I have received, directly or indirectly, from other law enforcement agents; and the results of the forensic analysis of various electronic devices. Since this Affidavit is being submitted for the limited purpose of establishing probable cause in support of the issuance of a criminal complaint and associated arrest warrant, I have not included each and every fact known to me or to other law enforcement officers concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that MILLER has committed one or more violations of 18 U.S.C. § 2252(a)(2).

STATUTORY AUTHORITY

4. 18 U.S.C. § 2252(a)(2) prohibits any person from knowingly receiving, and from attempting or conspiring to receive, any visual depiction using any means or facility of interstate or foreign commerce, or that has been mailed or shipped or transported in or affecting interstate or foreign commerce, or which contains materials which have been mailed or so shipped or transported, by any means including by computer, or knowingly reproducing any visual depiction for distribution using any means or facility of interstate or foreign commerce, or in or affecting interstate or foreign commerce or through the mails, if the production of such visual depiction involved the use of a minor engaging in sexually explicit conduct and such visual depiction is of such conduct.

PROBABLE CAUSE

A. Defendant's Background and Prior Conviction

5. Bryson McNeal MILLER is a registered sex offender living in Alexandria, Virginia. MILLER is required to maintain registration with Virginia's sex offender registry because of his conviction under the Uniform Code of Military Justice for possession/distribution of child pornography while he was serving in the United States Air Force (USAF). This violation occurred in 2004 and resulted in MILLER's dishonorable discharge from the Air Force on or about January 11, 2006. According to the USAF, the offense involved MILLER attempting to send a sexually explicit image of a female minor to an unknown recipient on two occasions via his e-mail account. The defendant's e-mail provider reported this information to the National Center for Missing and Exploited Children (NCMEC), which in turn notified the USAF.

6. Subsequent investigation by USAF's Office of Special Investigations included a search warrant of the subject's dorm room and work center. Electronic devices were seized and analyzed. The search of MILLER's personal computer yielded over 100 images of child pornography, including a digital photo found on his camera which appears to show MILLER masturbating in front of a sexually explicit image of a child posted on his computer screen.

7. After military judicial proceedings, MILLER was sentenced to dishonorable discharge, confinement for 27 months, reduction to the grade of E-1, forfeiture of all pay and allowances, and mandatory sex offender registration.

B. July 24, 2020 Search Warrant

8. On or about July 22, 2020, the Hon. Theresa Carroll Buchanan, United States Magistrate Judge, issued a search warrant authorizing the search of Bryson McNeal MILLER's residence, located at 6441 Richmond Hwy, Apt. 304, Alexandria, VA 22306. The warrant authorized law enforcement officers to search MILLER's residence, and the contents of any electronic devices located therein, for evidence, fruits, and property used in or intended to be used in the commission of various child pornography offenses, including the transportation of child pornography, in violation of 18 U.S.C. § 2252(a)(1); the receipt and distribution of child pornography, in violation of 18 U.S.C. § 2252(a)(2); and the possession of child pornography, in violation of 18 U.S.C. § 2252(a)(4)(B). The search was executed on July 24, 2020.

9. MILLER was present when the search was conducted. Although not taken into custody, MILLER was nevertheless read Miranda rights in an abundance of caution. MILLER orally waived his Miranda rights and agreed to participate in an audio-recorded interview. During the interview, MILLER was asked if the FBI would find any child porn on any of his devices.

MILLER responded by stating “you guys are gonna go through that stuff, you guys are gonna find stuff, because that’s what you do.” MILLER further stated “there’s no saving me” and “no matter what I say I’m gonna get myself in trouble.”

10. Several electronic devices were recovered from inside MILLER’s residence. The recovered devices included an SD card, a USB thumb drive, and an external hard drive, the subsequent forensic examination of each of which revealed the presence of multiple videos and/or images of child pornography. For example, the SD card contained a video file depicting an apparent prepubescent girl performing oral sex on what appears to be the erect penis of an adult male; the USB thumb drive contained a folder titled “7yo Asian Girl,” which contains at least twenty (20) photographs of a fully naked pre-pubescent girl exposing her genitals while her body is posed in various positions; and the external hard drive contained a video file named located inside a folder titled “Hidden,” which depicts what appears to be a prepubescent girl engaging in anal sex with an adult male. While forensic examination of the devices is ongoing, investigators have to date located over 1,300 files of child pornography on the devices, which total includes both video files and photographs.

11. Also among the electronic devices recovered from MILLER’s residence during the search was a Sony Vaio laptop, which was located in the bedroom of the residence, under the bed. Forensic examination of this laptop computer revealed additional evidence (beyond MILLER’s own statement) that MILLER was the exclusive or primary user of the computer, including various images and videos of MILLER himself. Further, forensic examination of data associated with a Skype account stored on the Sony Vaio laptop revealed that “Full Name” associated with the Skype account was “Bryson Miller.”

12. Forensic examination of the Sony Vaio laptop computer further revealed that the user of the computer used the Internet to knowingly receive child pornography files on various occasions between April 2011 and August 2013. As an example, on or about May 10, 2012, the user of the computer accesses a Tor¹ website and downloaded a video that remained on the computer as of the time of the forensic examination. The video is approximately one minute and seventeen seconds long, and depicts a prepubescent minor female laying on a bed and an adult male spreading the minor female's legs and licking her vagina and anus. The adult male is then depicted penetrating the prepubescent female's vagina with his bare finger. Later in the video, the adult male is depicted rubbing his penis against the prepubescent female's bare vagina.

13. Also among the electronic devices recovered from MILLER's residence during the search was a Lenovo laptop, which was found on the floor inside a closet. The evidence that MILLER was the exclusive or primary user of this laptop computer included the presence of numerous images and videos of himself and his residence, as well as documents personal to MILLER, such as a mortgage contract with MILLER's name and address written on it.

14. Forensic examination of the Lenovo laptop indicated that on or about June 9, 2017, the laptop's user visited a particular Tor website whose URL included the words "hmm" and "lea." The forensic examination of the Lenovo laptop revealed that present on the laptop were a series of photos and videos, the title of each of which contained some variation of the words "hmm" or "lea." For example, one video is titled "[REDACTED] Lea Set 07 Spezial Tongue Play [REDACTED].mpg." This video is approximately one minute and forty-four seconds long and

¹ Tor is a routing service permitting Internet users to access resources on the dark web anonymously.

depicts what appears to be a prepubescent female performing oral sex on what appears to be an adult male's penis.

15. Further examination of files located in a folder on the Lenovo laptop titled "Tor Browser" revealed "bookmark" files, indicating that the laptop's user designated certain Tor websites to be "bookmarked" to facilitate revisiting them at a later time. One of the bookmarks was for a Tor website that contained several video files, identified by their filenames. At least two files with identical filenames were located on the external hard drive described above. The first video is approximately twelve minutes and eleven seconds long, and depicts what appears to be a prepubescent female taking off her clothes and exposing her bare vagina and anus. The second video is approximately fifty minutes and thirty-eight seconds long, and depicts an apparent prepubescent female engaging in oral sex and sexual intercourse with an apparent adult male.

16. Other child pornography files were also identified as having been received or downloaded using the Internet, although the forensic examination completed to date has been unable to identify particular dates on which the child pornography files were received. As an example, the examination revealed that the user of the Sony laptop accessed a particular Tor web address to obtain a file or folder containing the words "G*****," "R***," and "J*****." Searching the external hard drive described above for the keywords "J*****" revealed two folders each containing over twenty (20) videos depicting what appeared to be a prepubescent girl engaging in sexual acts with what appeared to be an adult male; these acts included performing oral sex, vaginal intercourse, and stimulation of the erect male penis with her feet. These files had various creation dates varying from 2013 to 2018.

17. Further examination of the above referenced Sony laptop computer revealed a series of five videos in a folder titled "My ooVoo\Recorded Files." These videos were recordings of a series of video chats MILLER had with a minor female over the video chat and messaging platform ooVoo, which ceased operation in 2017. One video in particular, which had a creation date of January 19, 2013, depicted the minor female being asked how old she is by MILLER. The minor female confirmed in the video that she was sixteen years old. A second video, which had a creation date of February 3, 2013, captured MILLER exposing his penis and masturbating on camera for the minor female. MILLER was also observed asking the minor female to expose her breasts to him. The minor female exposed her breasts to MILLER in the video.

CONCLUSION

18. Based on the foregoing, I respectfully submit that there is probable cause to believe that Bryson McNeal MILLER has committed the offense of receipt of child pornography, in violation of 18 U.S.C. § 2252(a)(2). I therefore respectfully request that the Court issue the attached complaint and accompanying warrant for MILLER's arrest.

RISER.MATTHEW.T.F41M33K73
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Matthew Tigran Riser
Special Agent

Sworn and subscribed before me telephonically

this ____ day of August, 2020.

 Digitally signed by Theresa
Carroll Buchanan
Date: 2020.08.11 14:42:24 -04'00'

HON. THERESA C. BUCHANAN
UNITED STATES MAGISTRATE JUDGE